

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application.

Claims 4, 6 and 7 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks set forth below.

Rejection under 35 U.S.C. § 102

Claims 4, 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Summers et al. (U.S. Patent 3,855,456). This rejection is respectfully traversed.

The Examiner indicates that the Summers et al. reference shows the corresponding steps and elements described in claims 4, 6 and 7. However, Applicants wish to point out that the step storing the third operating state data has now been changed, so that it refers now the starting point to each control stage. As previously discussed, the Examiner's interpretation of a control step is any time that a measurement is made to generate data. Applicants previously argued that this is an incorrect reading of the term "control step" and that in fact, the specification indicates that this term is used for major sections of the operation. In order to strengthen these arguments, Applicants have now amended claims 4 and 6 to refer to this term as "control stage" rather than "control

step". The specification has also been amended on page 7 to indicate this terminology. Applicants are also submitting herewith a translation of the English version of a Published Unexamined Japanese Patent Application which relates to the present U.S. application. This English translation appears on the web page of the Japanese Patent Office ([http://www.ipdl.jpo.go.jp/homepg\\_e.ipdl](http://www.ipdl.jpo.go.jp/homepg_e.ipdl)). The publication number is 164502/2001. A partial copy of this publication is enclosed for the Examiner's convenience. As seen in the paragraphs 14 and 15, which correspond to the two paragraphs starting on page 7 of the U.S. application, the terminology used there is "control stage". Applicants submit that this term emphasizes that this is not every small step, but only the major sections of the procedure, which is being referred to. This situation is different than that of Summers et al. as previously applied by the Examiner. Accordingly, Applicants submit that the Summers et al. reference does not teach storing data at a starting point of each control stage as is presently claimed. As noted previously, page 8 of the specification lists a number of these operations.

In addition to this, Applicants again disagree with the Examiner that the disclosure at column 12, line 17-22 of Summers et al. teaches a second number of time intervals less than the first number of time intervals after the failure as suggested by the

Examiner. Applicants again request the Examiner to point out why he feels that this brief discussion of two additional logs indicates such a lesser number of time intervals. Applicants do not see that this disclosure includes such language. The Examiner is requested to describe in more detail why he feels that this language indicates the storage of data for a second number of intervals which is less than the first number of intervals. For this reason, Applicants submit that the method of claim 4 is not shown in the reference. Accordingly, Applicants submit that claim 4 is allowable.

Claim 6 describes the corresponding apparatus having a combination of elements. Applicants submit that this combination of elements is not seen in the Summers et al. reference. As noted previously in regard to claim 4, claim 6 now refers to the control stage rather than the control step which is not seen in the Summers et al. reference. Also, this claim discusses the storage of a second number of time intervals smaller than the first number of time intervals which is also not seen in the Summers et al. reference as suggested by the Examiner. Accordingly, claim 6 is likewise allowable.

Claim 7 depends from claim 6 and as such is also considered to be allowable.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patent relied on by the Examiner. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Partial copy of the English translation of Published Unexamined Japanese Patent Application 164502/2001.